

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.)	
W. A. DREW EDMONDSON, in his capacity as)	
ATTORNEY GENERAL OF THE STATE OF)	
OKLAHOMA and OKLAHOMA SECRETARY)	
OF THE ENVIRONMENT C. MILES TOLBERT,)	
in his capacity as the TRUSTEE FOR NATURAL)	
RESOURCES FOR THE STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
vs.)	05-CV-0329 JOE-SAJ
)	
TYSON FOODS, INC., TYSON POULTRY, INC.,)	Proposed Order for Docket
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,)	Entry No. 174
AVIAGEN, INC., CAL-MAINE FOODS, INC.,)	
CAL-MAINE FARMS, INC., CARGILL, INC.,)	
CARGILL TURKEY PRODUCTION, LLC,)	
GEORGE'S, INC., GEORGE'S FARMS, INC.,)	
PETERSON FARMS, INC., SIMMONS FOODS, INC.,)	
and WILLOW BROOK FOODS, INC.,)	
)	
Defendants.)	
)	
TYSON FOODS, INC., TYSON POULTRY, INC.,)	
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,)	
GEORGE'S, INC., GEORGE'S FARMS, INC.,)	
PETERSON FARMS, INC., SIMMONS FOODS, INC.,)	
and WILLOW BROOK FOODS, INC.,)	
)	
Third Party Plaintiffs,)	
)	
vs.)	
)	
City of Tahlequah, <i>et al.</i>,)	
)	
Third Party Defendants.)	

**ORDER GRANTING MOTION FOR EXPEDITED RULING
ON THIRD PARTY PLAINTIFFS' MOTION TO TOLL
RUNNING OF TIME TO SERVE PROCESS UPON
THIRD PARTY DEFENDANTS PENDING DISPOSITION
OF DEFENDANTS' MOTION TO STAY [DOCKET NO. 125]**

This matter comes before the Court pursuant to Defendant/Third Party Plaintiffs' Motion for Expedited Ruling on Docket No. 173 – their *Motion to Toll Running of Time to Serve Process Upon Third Party Defendants Pending Disposition of Defendants' Motion to Stay [Docket No. 125]* filed on December 23, 2005. Having reviewed the Motion and the file in this matter, the Court finds as follows:

1. Third Party Plaintiffs filed their *Motion to Toll Running of Time to Serve Process Upon Third Party Defendants Pending Disposition of Defendants' Motion to Stay [Docket No. 125]* on December 23, 2005. The date by which the Third Party Plaintiffs must serve process upon the Third Party Defendants identified in their Third Party Complaint is February 1, 2006

2. Third Party Plaintiffs assert that unless the Court rules upon their Motion by January 17, 2006 they will need to commence service upon the Third Party Defendants to meet the deadline, which would render their Motion moot.

3. The Court further finds that Third Party Plaintiffs have moved for an extension/modification of the deadline for serving process prior to the expiration of the deadline, and therefore it is justified for this Court to take up their Motion before the date by which service will need to commence.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Third Party Plaintiffs' Motion for Expedited Ruling is sustained.

So Ordered this 9th day of January, 2006.



JAMES O. ELLISON, Senior Judge
UNITED STATES DISTRICT COURT